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REMARKS

This is a full and timely response to the non-final Official Action mailed April 28, 2005 which imposed an Election of Species. Prompt examination of the elected claims on their merits is respectfully requested in accordance with the election made below.

The outstanding Office Action alleges that there are six patentably distinct species claimed in the present application. Those species are identified by the Office Action as follows:

Species 1: off-axis, Fig. 4

Species 2: on-axis, Fig. 5

Species 3: fitment with first fluid interconnect

Species 4: fitment with second fluid interconnect

Species 5: fitment with bubble generator

Species 6: system with means for notifying a user of a sudden change in negative pressure.

In response, Applicant elects Species 5 for immediate examination.

This election is with traverse. MPEP Section 806.04(f) states the following:

Claims to be restricted to different species must be mutually exclusive. The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first. This is frequently expressed by saying that claims to be restricted to different species must recite the mutually exclusive characteristics of such species.

(emphasis added)

The various features indicated in the Office Action as defining the various "species" may well each independently represent patentably distinct subject matter. However, the

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indicated features are not mutually exclusive, with the exception of species 1 and 2, which are. Thus, species 3-6 do not meet the definition of restrictable species give by § 806.04(f) of the MPEP. For at least this reason, the species election should only have been between species 1 and 2, with the claims of all other "species" remaining for present examination. Reconsideration of the current election requirement in accordance with MPEP § 806.04(f) is respectfully requested.

The claims particularly associated with each presently-indicated "species" are as follows:

Species 1: claims 31 and 53

Species 2: claims 32 and 54

Species 3: claims 17-20 and 34-37

Species 4: claims 21, 22, 38 and 39

Species 5: claims 24-26, 41-44, 47, 60 and 61

Species 6: claim 67

All other claims are not specific to any of the indicated species and are, consequently, generic to all. Specifically, claims 1-16, 23, 27-30, 33, 40, 45, 46, 48-52, 55-59, 62-66 and 68 are generic to all the indicated species. Therefore, claims 1-16, 23-30, 33, 40-52, 55-66 and 68 are the elected claims presented for immediate examination. Claims 17-22, 31, 32, 34-39, 53, 54 and 67 are labeled as "withdrawn" above.

The withdrawn claims are withdrawn without prejudice or disclaimer. Applicant reserves the right to file any number of continuation or divisional applications to the

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withdrawn claims or to any other subject matter described in the present application.

Applicant further understands that if any of the generic claims is found to be allowable, any withdrawn claim that depend from the allowable generic claim with immediately receive examination in the present application.

If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office central facsimile number 703-872-9306 on May 19, 2005. Number of Pages: 16


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